

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: OCTOBER 22, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-35910 - APPLICANT/OWNER: THE SHADE TREE, INC.**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Conformance to the Conditions of Approval for Site Development Plan Review [Z-0102-97(1)] shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 09/08/09, except as amended by conditions herein.
4. An Administrative Review shall be completed within two years, if approved.
5. Decomposed granite shall be placed around both temporary buildings at a depth of two-inches to properly mitigate any fugitive dust.
6. A Waiver from Title 19.12 Landscape and Buffer Standards is hereby approved, to allow a zero-foot Landscape Buffer along the north perimeter where 15 feet is the minimum required and a zero-foot landscape buffer along the west and south perimeters where eight feet is the minimum required.
7. An Exception from Title 19.12 Landscape and Buffer Standards is hereby approved, to allow zero trees where 20 are the minimum required along the north, south and west landscape buffers.
8. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

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9. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
10. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
11. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
13. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
14. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

16. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
17. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing final grade elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.
18. Site development to comply with all applicable conditions of approval for Z-102-97 and all other site-related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to add two 1,440 square-foot modular buildings to the Shade Tree Shelter campus, which currently includes the following: a 36,000 square-foot Shelter (364 beds), a 4,500 square-foot animal shelter, and a 200 square-foot storage building. The proposed modular buildings will be utilized by the attendees of the Rescue Mission or Shelter for the Homeless for educational and training purposes. No additional parking or landscaping is being provided in conjunction with the proposed structures. A Waiver of Perimeter Landscaping has been requested by the applicant along the west, south and north perimeter buffers. The applicant is proposing a project that fails to comply with minimum Title 19.12 Landscape and Buffer Standards, making it incompatible with adjacent developments; therefore, denial of the request is recommended. If denied, the two proposed 1,440 square-foot buildings would not be permitted on the subject site.

ISSUES

- Two modular buildings totaling 2,880 square feet are being proposed for educational and career development.
- No additional parking or landscaping is proposed as a part of the subject application.
- Waivers of Title 19.12 Landscape and Buffer Standards have been requested by the applicant.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
No change of ownership has occurred on the subject parcel.	
12/08/97	The City Council approved a Rezoning (Z-0102-97) from C-2 (General Commercial), C-M (Commercial Industrial) and C-V (Civic) to C-V (Civic) on 0.71 acres at 1599 North Main Street. The Planning Commission and staff recommended approval of the request.
06/28/98	The City Council approved a Site Development Plan Review [Z-102-97(1)] for a 38,898 square-foot, three-story Shelter for women and children on 0.71 acres at 1599 North Main Street. The Planning Commission and staff recommended approval of the request.
02/22/99	The City Council approved a Special Use Permit (U-0146-98) for a 66,692 square-foot shelter for the homeless campus with long and short term transitional housing, administrative offices, ancillary child care and medical clinic facilities in conjunction with an existing 40,377 square-foot transitional living center on 0.71 acres at 1599 North Main Street. The Planning Commission and staff recommended approval of the request.

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01/06/06	Planning and Development staff administratively approved a Site Development Plan Review (SDR-10800) for the expansion of an existing Social Service Provider consisting of a 2,500 square-foot Animal Shelter (without outside pens) and a 978 square-foot storage building on 1.00 acre adjacent to the south side of Owens Avenue, approximately 250 feet west of Main Street.
09/13/06	A Code Enforcement citation (#46201) was issued for debris at 1 West Owens Avenue. Code Enforcement closed the case on 09/13/06.
09/15/09	The Planning and Development Department administratively approved a Temporary Commercial Permit (TCP-36034) for two temporary modular buildings to be utilized for on-site educational facilities pertaining to job development/life skill programs on an undeveloped portion of a 1.70 acres site located at 1 W Owens Avenue. The permit will expire on 11/30/09.
<i>Related Building Permits/Business Licenses</i>	
02/03/00	A Building Permit (#2007) was issued for a congregate residence at 1 West Owens Avenue. The permit was finalized 10/31/00.
02/07/00	A Building Permit (#2161) was issued for a congregate residence at 1 West Owens Avenue. The permit was finalized on 09/01/00.
01/18/01	A Business License (#N38-00002) was issued for a Non-Profit Homeless Shelter/Rescue Mission at 1 West Owens Avenue. The license remains active at this location.
12/15/06	A Building Permit (#6007383) was issued for a building expansion at 1 West Owens Avenue. The permit expired on 09/01/07.
03/20/07	A Building Permit (#7000953) was issued for an animal shelter at 1 West Owens Avenue. The permit was finalized on 10/05/07.
<i>Pre-Application Meeting</i>	
09/02/09	<p>A pre-application meeting was conducted on the indicated date. The following items were discussed at the meeting:</p> <ul style="list-style-type: none"> • Expansion of the existing Homeless Shelter on the subject site. • Waivers of Perimeter Landscape Buffer requirements. • Previously approved Site Development Plan Review [Z-0102-97(1)].
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held.	

<i>Field Check</i>	
09/17/09	<p>A field check was completed on the indicated date. Planning and Development identified the following items:</p> <ul style="list-style-type: none"> • Staff identified the existing Shelter on the subject site and ancillary buildings. • Staff identified the undeveloped area in which the temporary buildings are to be located.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.69 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Rescue Mission/Shelter for the Homeless	PF (Public Facilities) and M (Medium Density Residential)	C-V (Civic)
North	Apartments and Retail	North Las Vegas	North Las Vegas
South	Apartments and Retail	PF (Public Facilities) and H (High Density Residential)	R-5 (High Density Residential)
East	Offices	GC (General Commercial)	C-2 (General Commercial)
West	Apartments	H (High Density Residential)	R-5 (High Density Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown North Land Use Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		
A-O (Airport Overlay) District – (150-feet)	X		Y
Trails – (Pioneer Trail)	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.020, the minimum development standards for property in the C-V (Civic) district shall be established by the City Council in connection with the approval of a rezoning application or administratively in connection with the approval of a site development plan review. The standards shall be designed to ensure compatibility of the development with existing and planned development in the surrounding area. The subject site is located within a C-V (Civic) zoning district and as such, the minimum development standards will be established with the approval of this Site Development Plan Review.

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Pursuant to Title 19.06.020, the following standards are proposed:

Standard	Provided
Min. Lot Size	A portion of a 1.69 acre site
Min. Setbacks <ul style="list-style-type: none"> • Front (east property line) • Side (south property line) • Corner (north property line) • Rear (west property line) 	344 Feet 26 Feet 20 Feet 12 Feet
Min. Distance Between Buildings	16 Feet
Max. Building Height	12 Feet
Trash Enclosure	By Condition
Mech. Equipment	By Condition

Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/ 6 Space	N/A	Existing	N/A
Buffer:				
Min. Trees				
North buffer	1 Tree/20 Linear Feet	7 Trees	Zero Trees	N
South buffer	1 Tree/20 Linear Feet	7 Trees	Zero Trees	N
West buffer	1 Tree/20 Linear Feet	6 Trees	Zero Trees	N
East buffer	1 Tree/20 Linear Feet	N/A	Existing	N/A
TOTAL		20 Trees	Zero Trees	N
Min. Zone Width				
North buffer	15 Feet		Zero Feet	N
South buffer	8 Feet		Zero Feet	N
West buffer	8 Feet		Zero Feet	N
East buffer	15 Feet		15 Feet	Y
Wall Height	No walls are proposed as a part of the subject application.			

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Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Rescue Mission/ Homeless Shelter (364 beds)	Rescue Mission (36,000 SF) Animal Shelter (4,500 SF) Storage (200 SF)	1 per 4 beds, or 1 per 750 gfa	87	4	53	1	N
Classroom Buildings	2,880 SF						
TOTAL	43,580 SF		91		54		N

Waivers		
Requirement	Request	Staff Recommendation
15 feet along the north buffer and eight feet along the west and south buffer	Zero Feet	Denial
Exceptions		
Requirement	Request	Staff Recommendation
20 trees in the perimeter landscape buffer	Zero Trees	Denial

ANALYSIS

- Site Plan**

The Shade Tree Shelter complex is located on a 1.69 acre campus at the southwest corner of Owens Avenue and Main Street. The site plan indicates the following: a Shelter at 36,000 square feet, an Animal Shelter at 4,500 square feet, a storage building at 200 square feet and two new classroom buildings at 2,880 square feet.

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The two proposed classroom buildings will be utilized for the people who are currently using the Rescue Mission/Shelter for the Homeless. There are a total of 54 parking spaces on the subject site. No additional parking spaces are being added as the classrooms buildings are ancillary to the existing site. The overall site is parking impaired and it does not require additional parking.

The overall site is accessed from Owens Avenue, which is indicated as a 100-foot Primary Arterial on the Master Plan of Streets and Highways. A Pedestrian Path is also located adjacent to Main Street.

- **Landscape Plan**

The subject site is a portion of an existing 1.69 acre site. The two proposed modular classroom buildings are proposed to be located on an undeveloped portion of the site consisting of approximately 12,500 square feet, or 0.17 acres. The landscaping for the existing site exists, except for the 0.17 acres. The applicant is proposing no additional landscaping as a part of the subject application. The Development Standards tables for landscaping are specific to the 0.17 acre portion of the overall site, with the applicant requesting Waivers of Title 19.12 Landscape and Buffer Standards to allow a zero-foot landscape buffer along the north perimeter where 15 feet is the minimum required and a zero-foot landscape buffer along the west and south perimeters where eight feet is the minimum required. Also, the applicant is requesting an exception to allow zero trees in the landscape buffer where 20 trees are required. Staff cannot support the requested Waivers as the lack of required perimeter landscaping will result in a development that is not compatible with adjacent residential development to the west.

- **Elevations/Floor Plan**

The elevations indicate two 12-foot tall modular buildings. These modular style buildings are typical of temporary buildings and have not been designed to be compatible with the existing structures located on the site. The floor plans indicate approximately 2,880 square feet for the two proposed buildings. Both buildings will be utilized as classrooms for the attendees of Shade Tree Shelter.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

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The proposed temporary modular buildings are inconsistent with the existing development and surrounding development in the area. The existing and surrounding development have provided adequate landscaping. No landscaping is associated with the addition of two modular buildings on the subject site.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is inconsistent with Title 19.12 Landscape and Buffer Standards. The applicant has failed to comply with minimum buffer widths on the west, north and south perimeter buffers. The applicant has also failed to provide the 20 required trees on-site.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The site is accessed via Owens Avenue. Owens Avenue is indicated as a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. Owens Avenue will provide adequate access to the site and will not negatively impact adjacent roadways or neighborhood traffic.

4. **Building and landscape materials are appropriate for the area and for the City;**

The applicant has failed to provide any perimeter landscaping, which includes trees and shrubs on the subject site. The applicant is deficient by 20 trees.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The building elevations and design characteristics are not compatible with adjacent development and other buildings on the Shade Tree campus.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The proposed classroom buildings will be subject to regular City and County inspections for licensing and will therefore not compromise the public health, safety and welfare.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED

9

NOTICES MAILED 51

APPROVALS 0

PROTESTS 0